

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TERRY R. COCHRANE,

Petitioner,

VS.

RENEE BAKER,

Respondent.

3:15-cv-00298-RCJ-VPC

ORDER

Petitioner Terry Cochrane is a prisoner in the custody of the Nevada Department of Corrections. He filed a petition for a writ quo warranto in this Court, alleging that the state statutes under which he was convicted in state court were invalid. The Court adopted the Magistrate Judge's Report and Recommendation, dismissing the case with prejudice because only state law potentially provided for such a writ, and Nevada law only provided for such a writ to challenge a person's right to hold office and to oust him therefrom. Moreover, the pleading sounded in habeas corpus, and Petitioner had already filed a habeas corpus petition under 28 U.S.C. § 2254 in this District. Plaintiff has appealed, and the Court of Appeals has referred the case to the Court to determine whether *in forma pauperis* status should continue on appeal. The Court finds that *in forma pauperis* status should not continue on appeal, as the appeal is frivolous. *See* 28 U.S.C. § 1915(a)(3).

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CONCLUSION

IT IS HEREBY ORDERED that *in forma pauperis* status shall not continue on appeal.

IT IS SO ORDERED.

Dated this 7th day of January, 2016.

ROBERT C JONES
United States District Judge